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SMITH'S FOOD & DRUG CENTERS, INC.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

SIERRA GOLIA-HUFFMAN, an individual,

Plaintiff,

vs.

SMITH'S FOOD & DRUG CENTERS, INC.,
a Foreign Corporation, doing business as
SMITH'S FOOD & DRUG CENTERS #332;
DOES I through X; DOE EMPLOYEES I
through X; DOE STORE MANAGERS I
through X; and ROE CORPORATIONS I
through X, inclusive,

Defendants.

Case No. 2:21-cv-01260-APG-EJY

**STIPULATION AND ORDER TO
CONTINUE TRIAL DATE**

(SECOND REQUEST)

Pursuant to Local Rules IA 6-1 and 26-3, the Parties, by and through their respective counsel of record, stipulate and agree that the current trial date of September 25, 2023 and all trial related deadlines be vacated and continued as set forth below.

This Stipulation is entered into for the following reasons:

1. Both counsel for Plaintiff and Defendant have scheduling conflicts and issues with the availability of witnesses for the current trial date. Specifically, one of Defendant's expert witnesses, Vladimir Sinkov, M.D., is not available to testify at trial in late September 2023. Further, on July 26, 2023, Plaintiff's counsel was informed that their retained expert Economist, Terrence M. Clauretie, Ph.D., CPA, passed away in June 2023. Thus, Plaintiff's counsel will need time to sort out

1 what steps will need to be taken arising out of the death of Mr. Clauretie.

2 2. The parties further request a continuance of the trial date as there is a pending motion
3 for summary judgment (ECF No. 41). Further, the parties jointly request that a new trial date not be
4 scheduled until after the Court has ruled on the pending motion for summary judgment and the
5 parties have submitted a supplemental joint pretrial order to this Court. Below, counsel will explain
6 the timing of the pending motion for summary judgment and the basis of the request to file a
7 supplemental joint pretrial order.

- 8 a. ECF No. 18 – Joint Pre Trial Order filed 10/07/22
- 9 b. ECF No. 20 – Order granting Pre Trial Order setting a trial for 4/24/23
- 10 c. ECF No. 26 – Stipulation to Extend Discovery filed 12/7/22
- 11 d. ECF No. 27 – Order granting Stipulation entered on 12/8/22 extending
12 discovery until 2/27/23
- 13 e. ECF No. 28 – Minute Order entered 12/12/22 continuing trial to 8/21/23
- 14 f. ECF No. 41 – Motion for Summary Judgment filed by Defendant SMITH’S
15 on 3/24/23 – twenty-four days after the close of discovery
- 16 g. ECF No. 42 – Response to motion for summary judgment
- 17 h. ECF No. 45 – Reply to motion for summary judgment
- 18 i. ECF No. 53 – Stipulation to Continue Trial filed 7/26/23
- 19 j. ECF No. 54 – Order granting stipulation entered 7/27/23 – scheduling a new
20 trial set on 9/25/23

21 3. In the stipulation to continue discovery (ECF No. 26), counsel for the parties jointly
22 agreed that if the stipulation to extend discovery was granted, counsel would “... file a supplemental
23 pretrial order” Counsel for the parties recognize that there may be new evidence and/or witnesses
24 to identify in a supplemental pretrial order as a result of the additional discovery conducted *after* the
25 original pretrial order was filed and/or related to the death of Plaintiff’s expert witness. Thus,
26 counsel request that this Court order that a supplemental joint pretrial order be filed 30 days *after*
27 this Court has ruled on the pending motion for summary judgment.

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IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff SIERRA GOLIA-HUFFMAN, by and through her attorney of record, Stephen K. Lewis, Esq., of the ERIC ROY LAW FIRM, and Defendant SMITH'S FOOD & DRUG CENTERS, INC., by and through its attorney of record, Jerry S. Busby, Esq. of the law firm COOPER LEVENSON, P.A., that the trial be continued and that the parties be ordered to file a supplemental joint pretrial order 30 days after this Court rules on the pending motion for summary judgment.

Respectfully submitted this 30th day of August, 2023.

ERIC ROY LAW FIRM

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ORDER

IT IS THEREFORE ORDERED the jury trial date in the above-entitled matter currently scheduled for the September 25, 2023 be vacated and that the parties submit a supplemental joint pretrial order 30 days after this Court renders its decision on the pending motion for summary judgment.

IT IS SO ORDERED:


UNITED STATES DISTRICT COURT JUDGE
DATED: August 30, 2023